

COUNTY OF SUFFOLK



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SUFFOLK COUNTY EXECUTIVE

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DEPARTMENT OF LAW

January 28, 2015

Hon. Charles J. Siragusa
U.S. District Court
Western District of New York
1360 U.S. Courthouse
100 State Street
Rochester, New York 14614

Via Facsimile & First Class Mail

Re: *Montgomery v. Cuomo et al.*
Docket No. 14-CV-6709 (CJS)

Dear Judge Siragusa:

This office represents defendant the Hon. Vincent F. DeMarco, the Suffolk County Sheriff in the above referenced action currently pending before Your Honor.

We were recently informed by counsel for the New York State defendants, William J. Taylor, Jr., Esq., that a status conference is scheduled before the Court at 10:45 a.m. tomorrow morning concerning the State defendants' request for an extension of time to respond to plaintiff's motion for a preliminary injunction and to respond to the Complaint.

Defendant DeMarco agrees with the State defendants' assertions that venue and standing present threshold considerations that must be resolved by this Court, or another in a proper venue considering that some of the alleged actions, omissions or occurrences took place in Suffolk County, New York within the Eastern District of New York's jurisdiction.

The undersigned has recently been admitted as a member of the bar of the Western District of New York and may practice before this Court, effective January 26, 2015. However, I still await issuance of CM/ECF user information and password from the Clerk of the Court. The Clerk's Office has represented that it will endeavor to transmit this information as soon as possible, but the information still has not been received as of time of this correspondence.

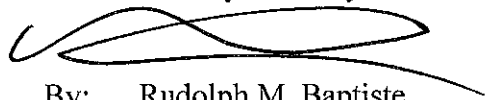
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Given that I may not file a Notice of Appearance without having first registered on ECF, pursuant to the Court's guidance I respectfully request that defendant DeMarco be permitted to participate in tomorrow's conference via telephone. Counsel for plaintiff and the State defendants have been apprised of this request and it is the first request of its kind in this matter.

Thank you for your kind consideration.

Respectfully submitted,

Dennis M. Brown
Suffolk County Attorney



By: Rudolph M. Baptiste
Assistant County Attorney

Encl.

RMB